

REMARKS

This is in response to the Office Action mailed April 8, 2005. A Request for Continued Examination and Petition for 3-Month Extension of Time accompany this Response.

In that Office Action, claims 1-4, 10-16 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,890,754 to Dorn et al. Claims 1-16 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,609,263 to Perechepied et al. Claims 17-21 were rejected under 35 USC 103(a) as being unpatentable over Dorn et al. Finally, Claims 16-21 were rejected under 35 USC 103(a) as being unpatentable over Perechepied et al.

By this Amendment, Applicants have amended independent Claim 1 to recite, among other things, a closure with a tamper evident band that includes a smooth, concave, grooved notch on the outer surface thereof. The grooved notch is generally axially oppositely disposed relative to at least a portion of the bead on the inner surface.

Applicants respectfully submit that neither Dorn nor Perechepied disclose a smooth, concave, grooved notch on the outer surface of the tamper evident band. Dorn discloses a tamper-evident band that is tapered, but does not include a notch as recited in Claim 1 of the present application. As for Perechepied, Applicants respectfully submit that it likewise

does not disclose a notch. For this reason alone, the claims are not anticipated by Dorn or Perechepied.

In addition, neither Dorn nor Perechepied discloses or even suggests a smooth, concave, grooved notch as now recited in Claim 1, as amended. To the extent that the bands in either Dorn or Perechepied could even be considered "notches," they are certainly not the smooth, concave, groove as presently claimed.

Applicants respectfully submit that the claims are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,



Andrew G. Kolomayets
Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500